

**REMARKS**

Applicant has concurrently submitted a Request for Continued Examination.

Claims 1, 2, 4-29, and 31-33 are pending in this application. Claims 32 and 33 are newly added. Claims 1, 11 and 13 have been amended without prejudice or disclaimer of any subject matter, and without acquiescence to any rejection. These amendments have been made to more particularly describe what Applicant regards as his invention. Applicant submits that support for the new and amended claims can be found in the application as originally filed, and, in particular, on pages 10 and 12 of the specification. Accordingly, no new matter has been added.

Applicant thanks the Examiner for granting an interview with Applicant's representatives on May 25, 2004. The summary of the interview is discussed below in the context of the indicated topics.

**I. Information Disclosure Statement**

The IDS filed April 28, 2003 had been partially acknowledged and considered by the Examiner in the Office Action dated September 5, 2003. Specifically, the two Foreign Patent Documents had not been considered. At the interview, the Examiner initialed the PTO 1449 indicating his consideration of the two Foreign Patent Documents. Applicant thanks the Examiner for his consideration. The initialed PTO 1449 is attached for the record.

**II. Rejection under 35 U.S.C. § 112, second paragraph**

The Examiner has maintained his rejection of claim 13 under 37 U.S.C. § 112, second paragraph as being allegedly indefinite. Final Office Action, p. 2-3. The Examiner states that claim 13 recites powders using different types of terms, including functional terms, narrow chemical terms, and broad chemical terms. *Id.* Although Applicant disagrees with the Examiner for the reasons of record (see, for example, pages 2-3 of Reply to Office Action dated December 5, 2003), Applicant's representatives proposed, during the interview, to amended claim 13 and add new claims 32 and 33 to further prosecution. Applicant does not intend to narrow the overall scope of the claims by this amendment. At the interview, the Examiner indicated to Applicant's representatives that these amendments would address his concerns stated in the rejection, and that he would consider the amendments more fully upon this submission. For the reasons presented here and those of record, Applicant respectfully requests withdrawal of this rejection.

**II. Rejection under 35 U.S.C. § 103(a)**

The Examiner has maintained the rejections of claims 1-2, 4-29 and 31 under 35 U.S.C. §103(a) as being unpatentable over *DesLauriers* in view of *Anton*, *Konik*, or *Kimura*, and in further view of *Mougin* for the reasons set forth in the final Office Action dated September 5, 2003. Final Office Action, p. 2-3. Applicant respectfully continues to traverse these rejections for the reasons of record and for those discussed during the Examiner Interview on May 25, 2004. See, e.g., Reply to Office Action dated December 5, 2003, and Submission Under 37 C.F.R. 1.114 dated June 9, 2003.

As discussed at the interview, *DesLauriers* teaches away from the composition of claim 1 as amended. Table 11 in *DesLauriers* shows that a composition with 10% or 50% dimethicone mixed with block copolymer results in undesirable separation. Only the composition of a high percentage of block copolymer (4.9%) and a very low amount of dimethicone (2%) resulted in no separation. *DesLauriers* therefore teaches away from a composition comprising at least one block copolymer in an amount ranging from 0.139% to 1.953% and at least on linear dimethicone in an amount ranging from 25% to 75%, as recited in claim 1. *DesLauriers* also does not teach or suggest the combinations of the other pending claims.

At the interview, the Examiner indicated that claim 1, as currently amended, would be helpful in furthering prosecution. Applicant thanks the Examiner for his consideration and respectfully requests withdrawal of this rejection.

III. **Conclusion**

Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extension of time under 37 C.F.R. § 1.136 required to enter this response and charge those additional fees to our Deposit Account No. 06-916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P

By: 

Anthony C. Tridico  
Reg. No. 45,958

Dated: May 26, 2004

Enclosure:

Initialled PTO 1449 filed April 28, 2003

## INFORMATION DISCLOSURE CITATION

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MAY 01 2003

Sam B. MORRISON

November 22, 2000

Group: 1619

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## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
SW	5,690,920	Nov. 25, 1997	Dubief			
SW	5,851,517	Dec. 22, 1998	Mougin et al.			
SW	6,464,969	Oct. 15, 2002	De La Poterie et al.			

## FOREIGN PATENT DOCUMENTS

Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
WO 00/49997	Aug. 31, 2000	PCT			English
EP 1 163 896 A1	Dec. 19, 2001	EP			Abstract

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

SW	Copy of International Search Report in PCT/US01/43212, Atty Docket No. 05725.0642-00304, mailed January 27, 2001

Examiner	SW	Date Considered	9-2-03
*Examiner:	Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		
Form PTO 1449		Patent and Trademark Office - U.S. Department of Commerce	

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